

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

BOSTON AND MAINE CORPORATION and  
SPRINGFIELD TERMINAL RAILWAY  
COMPANY,

Plaintiffs,

V.

TOWN OF WESTFORD, WESTFORD BOARD  
OF HEALTH, DARREN R. MACCAUGHEY,  
SANDY COLLINS, R.N., ZAC CATALDO,  
TODD LOBO, TOM MAHANNA, JOANNE  
MARTEL, JOSEPH P. GUTHRIE, JR.,  
MASSACHUSETTS DEPARTMENT OF  
ENVIRONMENTAL PROTECTION, and  
ROBERT GOLLEDGE, JR.,

Defendants.

Case No. 05 CV 10806 MLW

**LOCAL RULE 16.1(D)(3) CERTIFICATION**

Now comes the Boston and Maine Corporation and Springfield Terminal Railway Company, through its authorized representative and the undersigned counsel and hereby affirms that they have conferred:

- (a) with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of the litigation; and
- (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.

Respectfully submitted,

/s/ Robert B. Culliford

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/s/ David A. Fink

Boston and Maine Corp.

Springfield Terminal Railway Co.

Attorney for the:

Boston & Maine Corporation

Springfield Terminal Railway Co.

Dated: October 22, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that true copies of the foregoing documents were served in hand on October 22, 2005 upon:

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Dated: October 22, 2005

/s/ Robert B. Culliford  
Robert B. Culliford